

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 11/1/2018 6:19:40 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: URGENT: FW: Request: One-page on Florida
Attachments: Briefing for Acting Administrator Wheeler on Florida 11.2.18.docx

Thanks, David. Attached is the revised draft. Please let us know if any of you have any last comments. We will also send to OW.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Thursday, November 1, 2018 12:17 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: URGENT: FW: Request: One-page on Florida

Just a couple of comments:

- # Ex. 5 Deliberative Process (DP)
-

I noticed a couple of typos—please give this a hard read once all changes are implemented.

Thanks for the quick work on this!

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
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Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Neugeboren, Steven
Sent: Wednesday, October 31, 2018 8:43 PM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: URGENT: FW: Request: One-page on Florida

Attached are my comments on the paper that Simma and Alexis have drafted.

David – in case your window for review is this evening, I'm forwarding on to you simultaneously. Let us know your comments and then we will forward to OW so it is finalized tomorrow.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Wade, Alexis
Sent: Wednesday, October 31, 2018 5:18 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: URGENT: FW: Request: One-pagers for Friday (11/2) Administrator Briefings - 401, DHC and Florida

Steve – here's the one-pager we put together. I sent a one drive link but if you prefer you can use this attachment. Let us know what you think.

Thanks,
Alexis

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Neugeboren, Steven
Sent: Wednesday, October 31, 2018 1:48 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: URGENT: FW: Request: One-pagers for Friday (11/2) Administrator Briefings - 401, DHC and Florida

I have my weekly with David at 2:30-3. Are you guys available and we can patch you in during that time to get direction from him? I really am not sure what's called for but here is some initial thoughts.

Ex. 5 Deliberative Process (DP)

I have

Steve Neugeboren
Associate General Counsel for Water

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From: Kupchan, Simma
Sent: Wednesday, October 31, 2018 1:19 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: URGENT: FW: Request: One-pagers for Friday (11/2) Administrator Briefings - 401, DHC and Florida

Hi Steve,

I'm happy to coordinate with Alexis on a draft Florida paper this afternoon. I have time now. We have some hot issues templates we can use as a starting point.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Does that sound right?

Simma Kupchan
EPA Office of General Counsel
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From: Neugeboren, Steven
Sent: Wednesday, October 31, 2018 1:09 PM
To: Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Cc: Connors, Sandra <Connors.Sandra@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Maddox, Donald <Maddox.Donald@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Curtin, James <curtin.james@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject: RE: URGENT: FW: Request: One-pagers for Friday (11/2) Administrator Briefings - 401, DHC and Florida
Importance: High

I'm copying relevant OGC folks, including David Fotouhi - on the note below with important information regarding preparation of materials for two Administrator briefings apparently on (or soon to be on) the calendar for Friday— one is on 401 and DHC; the second on Florida assumption (preview – John asked if OGC could take the lead on the Florida paper – see more below – see Simma and alexis – immediate to do's here).

I just spoke with John Goodin and here is the state of play and some immediate requests for OGC.

1. Regarding the 401 and DHC briefings, OWOW is preparing a one pager on the former and OWM on the latter, which they will be sending to us today for review. OWOW/OWM please let us know when our review opportunity will take place so we can plan. My sense is these will be very high level.

- John/OWOW – the 401 paper should go to David Fotouhi, me, Lee Schroer and Jim Curtin. Jim – I assume you will be point person for OGC's review – perhaps you put on one drive but this will be a quick review.
- Andrew/OWM – the DHC paper should go to David Fotouhi, me, Lauren Maher, Carrie Wehling, Krista Hughes and Karyn Wendelowski. Lauren – assume you will lead for us.

2. On Florida assumption, John said apparently the plan was for Matt and David to lead this briefing for the Administrator (Dave will not be there perhaps) and John asked that OGC write it up. My impression is that this one pager as well should be general/factual. Simma and Alexis – can you take the lead on that for us? I'm available until 230 if we need to talk. You can coordinate at the staff level but nothing should go to OW front office until david is ok with it. And for the moment, please keep this within HQ. **David** – please provide any guidance you can about how this paper should be framed.

Thanks all

Steve Neugeboren
Associate General Counsel for Water
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1200 Pennsylvania Ave., NW
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From: Goodin, John

Sent: Wednesday, October 31, 2018 12:22 PM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>

Cc: Connors, Sandra <Connors.Sandra@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Maddox, Donald <Maddox.Donald@epa.gov>

Subject: URGENT: FW: Request: One-pagers for Friday (11/2) Administrator Briefings

Importance: High

Folks-- As just discussed with Mindy and Mike...(though note the addition of the second circuit TP for the 401 paper) I left a voicemail with Neugeboren on coordination on the second one in particular.
Drafts to me by 5:00p.

Andrew—let's do separate one pagers for the first one.

Thanks!

John

From: Aguirre, Janita

Sent: Wednesday, October 31, 2018 12:13 PM

To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Cc: Farris, Erika D. <Farris.Erika@epa.gov>; Reid, Darren <Reid.Darren@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>

Subject: Request: One-pagers for Friday (11/2) Administrator Briefings

Importance: High

Andrew, John,

There are two Administrator- level briefings scheduled for this Friday. Dave has requested one-pagers for these meetings. The materials are due to us by tomorrow (11/1) at 10am, so that Anna can review and transmit to the Administrator's office. Given the timing, I'm cc'ing your special assistants and Brian Frazer.

1. Briefing: Section 401 Certification and Direct Hydrologic Connection (3:00-3:45PM, Friday, 11/2)

- Contents - **Ex. 5 Deliberative Process (DP)**
- **Ex. 5 Deliberative Process (DP)**
- Attachment - Policy

2. Briefing: Section 404 Florida Assumption (4:00-4:30PM, Friday, 11/2)

- Touch base with OGC for this status update briefing. David Fotouhi will attend.

Let me know if you have questions. You may also ask Ann Campbell while I'm away from the office this afternoon.

Thank you,
Janita

Janita Aguirre – Special Assistant
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